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ABSTRACT

Intended for parents of exceptional children in Alaska, this booklet briefly defines the handicapping conditions that make a child exceptional and then describes programs in Alaska available to parents and their exceptional children. The Child Find program, which identifies exceptional children and ensures that they receive appropriate educational services, is described. Parents' rights to participate in the evaluation process and in the planning of the child's Individualized Education Program are considered as well as related services and rights such as transportation, therapy and counseling, placement in the least restrictive environment, and due process. Appendices provide information on signs which alert parents that their child may need special services, a parent checklist for evaluating both the child and the services needed; and a list of parent and professional groups in Alaska. (CB)

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ALASKA PARENT GUIDE

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EDUCATION & THE EXCEPTIONAL CHILD

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Who is an Exceptional Child ?

Public Law 94-142, the Education for All Handicapped Children Act, is a federal law which describes the rights of parents of exceptional children. The Act was designed to assure that all handicapped children have available to them a free, appropriate public education. Free means the education is without charge to parents. Appropriate refers to the special education and related services which meet the needs of the individual exceptional child. The education must be available to all citizens equally. The Act also assures that the rights of parents of exceptional children are protected. The Act provides for financial assistance to states and local school districts to provide for the education of handicapped children.

Public Law 94-142 was passed by the U.S. Congress in 1975 and went into full effect in 1978. Congress regularly amends the law to keep it current and to reauthorize the funding involved. The most recent amendment and reauthorization occurred in 1983 and provides increased support for parent information and training.

Under Public Law 94-142 handicapped children are those properly evaluated as required by the Act and found to be mentally retarded, hard of

hearing, deaf, speech and language impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, other health impaired, deaf-blind, multi-handicapped, or having specific learning disabilities, and because of these conditions, need special education and related services in order to benefit from educational services.

Handicapping conditions identified in the State of Alaska regulations, Chapter 52, for Education for Exceptional Children are the same as federally defined categories with the addition of a category for gifted children. The Alaska regulations parallel the requirements of P.L. 94-142 with gifted children included.

"Exceptional Child" is a term used to describe a child who requires other instruction and materials than most children of the same age. An exceptional child is different in mental, physical, learning, or social ability. This difference must be such that a child is determined by proper evaluation to need a special education program in order to benefit from education in school. Handicapped and gifted children are exceptional children.

Handicapped children have mental, physical, learning, or emotional problems which may cause them to fall behind in school performance. Gifted and talented children need special education because they are far ahead of other children of the same age in some or most of their abilities.

Child Find

Child Find is an effort to assure that all children who are handicapped or gifted, regardless of the extent of their exceptionality, and who are in need of special education and related services are identified, located and evaluated. Every school district must try throughout the year to find those children who may need special education, and determine which children are currently receiving needed special education and related services and which children are not.

Anyone - parents, teachers students, nurses, doctors, social workers - may make a referral if it is thought that a child may need special education services. Parents can help by reporting to the school if they think that their child is handicapped or gifted and needs special help.

Signs of a handicap include mental retardation (slowness

in developing and learning), difficulty with seeing or hearing, a crippling or serious health condition, speech problems, emotional problems and serious learning difficulties. A child may have more than one handicap.

Signs of giftedness or talent in children include unusually high ability in learning or a creative or artistic talent.

Every exceptional child in Alaska, age 3 through 21 years, has the right to a free, appropriate public school education. If parents believe that their child needs special education they should ask the school officials in their community to evaluate their child and determine whether a need for placement in a special education program exists. Parent input is extremely important from the very beginning of the special education process. Parents should make every effort to maintain open communication with the school. It is the parents' right and responsibility to be informed of every procedure and detail of the special education process.

See Appendix A for a list of early warning signs of children with special needs.

Evaluation Procedures

After the Child Find process has identified a child as possibly exceptional, a full, individual evaluation to identify the child as exceptional and to determine the child's educational needs must be conducted. The evaluation will provide information needed to determine the child's specific exceptionality. Before the school can schedule the evaluation, the parents must be notified and give WRITTEN PERMISSION to have their child evaluated.

P.L. 94-142 establishes specific requirements for the evaluation procedure.

- All evaluation materials must be presented in a language or a mode of communication the child understands.

- The materials must be appropriate and effective for the purpose for which they are being used for a particular child's evaluation. They must be administered by trained personnel and used in accordance with the instructions of their producers.

- Tests must be selected so as to best insure that the results reflect the child's aptitude or achievement

rather than the child's impaired sensory, manual, or speaking skills.

- No single procedure may be used as the criterion for determining an appropriate educational program for a child.

- The evaluation must be conducted by a "multidisciplinary team" that is, a group of persons including at least one teacher or other specialist with knowledge in the area of the child's suspected exceptionality.

- A child must be assessed in all areas related to the suspected exceptionality, including health, vision, hearing, social and emotional states, general intelligence, academic performance, communication ability, creative talent and ability, and motor abilities when appropriate.

After a child has been tested and evaluated, parents have the right to see and review all of the child's records. This includes any record regarding identification, evaluation or possible placement in special education. The district must comply with a request to inspect, review, or obtain a copy of a record within 10 days from the date

the request is received. The school may charge a reasonable fee for making the copies.

The child's records must be kept confidential by the school. Only approved school persons and officials specified in the Alaska regulations for Education for Exceptional Children may see them. Parents may request, in writing, the release of records to other persons.

Parents have the right to disagree with the results of their child's evaluation and to ask for an independent evaluation. If, after careful study and review of their child's testing and evaluation records, parents prefer an independent evaluation, the school district must provide information concerning where an independent educational evaluation may be obtained. The district must provide this evaluation at no cost to the parent unless it is decided as a result of a Due Process Hearing that the school district evaluation is appropriate. The Due Process Hearing will be addressed in detail later in this booklet. If the hearing officer decides that the evaluation of the district is appropriate, the independent educational evaluation must be paid for by the parent.

Parents may obtain an independent educational evaluation at their own expense. The results of the evaluation must be considered by the school district in any decision made with respect to the provision of a free appropriate public education to the child. The results of an independent evaluation may be presented as evidence at a Due Process Hearing.

Individualized Education Program

Every exceptional child in the state is guaranteed a written Individualized Education Program (IEP). The IEP lists all of the services which must be provided to meet the special education and related service needs of each exceptional child. It is the careful development of the IEP that insures a suitable and effective educational experience while allowing the development of a child's capabilities.

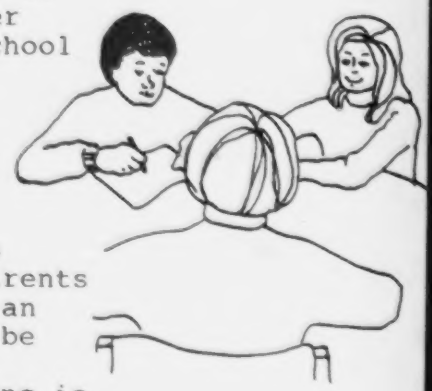
Parents and Professionals Plan IEP's

The IEP must be developed in a Child Study Team (CST) meeting. The Child Study Team may include:

- A representative of the school district who is qualified to provide or supervise the provision of special education

- The child's teacher
- One or both of the child's parents
- The child, where appropriate
- Other individuals at the discretion of the parent or school district.

The school district must take steps to insure that one or both of the parents of the exceptional child are present at each meeting or are afforded the opportunity to participate. The parents must be notified of the meeting early enough to make arrangements to plan to attend. The meeting must be at a mutually agreed on time and place. The notice of the meeting must indicate the purpose, time and location of the meeting, and who will be in attendance. If neither parent can attend, the school district must use other methods to insure parent participation, including individual or conference telephone calls.



If the school district is unable to convince the parents that they should attend, an IEP planning meeting may be held without parents in attendance. If the meeting is held without the parents present, the district must maintain records of its

attempts to arrange a mutually agreed on time and place. These records include detailed documentation of telephone calls made or attempted and their results, copies of letters sent and of any responses, records of visits made to the parents' home or place of employment and the results of those visits.

The district must take whatever action is necessary to insure that the parent understands the proceedings at a meeting. This includes arranging for an interpreter for parents who are deaf or whose native language is other than English.

The school district must provide a copy of the IEP to the parent.

What the IEP Includes

The Individualized Education Program for each child must include:

- A statement of the child's present level of performance
- A statement of annual goals, including short term instructional objectives to be reached on the way to attaining the annual goals.
- A statement of the specific special education and related services to be provided to the child, and

the extent to which the child will be able to participate in regular educational programs

- The date the services will begin and the anticipated length of time the services will be provided

- Objective material and evaluation procedures for determining, at least annually, whether the short term objectives are being achieved.

Related Services

Related services are transportation and such developmental, corrective, and other supportive services as are necessary to enable an exceptional child to benefit from special education. Supportive services include speech therapy and audiology, psychological services, physical and occupational therapy, recreation, adapted physical education, early identification and assessment of disabilities in children, counseling services, and medical services for diagnostic or evaluation purposes. Other related services are health services and/or social work services in schools, and parent counseling and training.

Support services must be available to exceptional students who need these

services to access or otherwise participate in the educational program outlined in the IEP.

Other IEP Facts

The IEP must be developed as soon as possible but no later than 30 days after determination of eligibility for special education services.

The IEP must be developed in a Child Study Team meeting. The IEP meeting provides the opportunity for parents to contribute to the educational plan of their child. Parents can be best prepared for the CST meeting by reviewing all previous educational and medical records and information, and by being ready to share this information with the group.

School districts receiving funding under the Carl Perkins Act must provide information on vocational programs. The district must provide vocational evaluations and planning for transition years. The IEP should include goals and objectives about transition, how the student will move from school to community life.

Each school district must conduct meetings to review the IEP of each child receiving special education services. The child study team must

review the IEP at least once a year. At this time the child's progress is reviewed and the IEP is revised accordingly. As many meetings as are needed annually to keep a child's IEP current and appropriate must be held.

A child's parents have the right to request a planning meeting to consider revising the IEP. This may be done if the parents think the needs of the child have changed or if they believe the child has reached the original IEP goals. The child's special education teacher and other school district personnel also have the right to request such an IEP planning meeting.

Each school district must reevaluate the educational needs of a child to determine whether the child remains eligible for services. This reevaluation must be done at least every three years, but may be done more frequently in consideration of the child's progress, or if requested by the child's parent or teacher.

A school district must provide the special education and related services listed as being appropriate for a particular child in his or her individualized education program. No teacher or school district is required, however, to guarantee that a child will achieve the growth projected

in the annual goals and short term objectives stated, nor does the Education for All Handicapped Children Act make them liable if the child does not achieve those goals.

Placement in the Least Restrictive Environment

In making a decision on the placement of a child, the district must draw upon information from a variety of sources. These include aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The information obtained from these sources must be documented and carefully considered. The educational placement decision must be made by a group of persons, including those knowledgeable about the child, the meaning of evaluation data, and educational placement alternatives.

Each school district must insure that a continuum of alternative placements is available to meet the needs of every exceptional child. Placement alternatives include:

- Regular classes and activities supplemented by special education services
- Regular classes and activities supplemented by a resource room offering special education

- A self-contained program of special education, supplemented by regular classes or activities

- A homebound or hospital program

- An institutional program

An exceptional child must be placed in the least restrictive environment that can provide an appropriate educational program for the child. To the maximum extent appropriate, exceptional children are to be educated with children who are not exceptional. Special classes, separate schooling, or other removal of exceptional children from regular classes will occur only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

This includes vocational programs in jr. high and high school. Special education will be used only when the child's needs cannot be met in the regular classroom.

Unless the IEP requires otherwise, attendance must be in the school a child would attend if not exceptional.

In selecting the least restrictive environment, consideration must be given to

any potential harmful effect on the child or on the services which the child needs.

Each exceptional child's educational placement must:

- Be determined at least annually
- Be based on the child's IEP
- Be as close as possible to the child's home

Due Process

Prior Notice & Parental Consent

Written notice must be given to the parents of an exceptional child:

- A reasonable time before the school district proposes to initiate or change the identification, evaluation, or educational placement of a child.
- When the school district refuses a parental request to initiate or change the identification, evaluation, or educational placement of a child.

Consent of a child's parents must be obtained before:

- Conducting a pre-placement evaluation.
- Initial placement of an exceptional child in a

program providing special education and related services.

Due Process Hearing

The Due Process Hearing is available to parents of an exceptional child and to the school district when agreement cannot be reached on what is an appropriate special education program for the exceptional child. When disagreement occurs, every attempt to settle differences should be made before calling for a due process hearing.

Parents may first write a formal letter of complaint to the Department of Education. The Director of Special Education will review the complaint and will help obtain appropriate special education services for the child.

To request a Due Process Hearing, write directly to the principal, special education director or superintendent. A parent may initiate a hearing within 30 days to challenge an action or refusal to initiate or change the identification, evaluation or educational placement of the child, or the provision of free, appropriate education to the child; or a refusal to honor the request of a parent to amend a record. A district may initiate a hearing by sending to the parent, within 30 days, written notice of the district's intent to appoint a hearing officer to conduct a

hearing to challenge a parent's refusal to consent to the release of records; or district payment for an individual evaluation and to show that its own evaluation is appropriate.

- The hearing must be conducted by a hearing officer appointed by the district from a list provided by the Department of Education

- The hearing must be at a time and place that is reasonably convenient to the parent

- The district must deliver or mail a notice of the hearing to the parent at least 10 days before the hearing

- The district must inform the parent of any free or low cost legal and other relevant services in its area

Each party to a hearing has the right to:

- Be accompanied by and advised by an attorney and by individuals knowledgeable about exceptional children

- Present testimony and evidence, and to confront, cross-examine and compel the attendance of witnesses

Parents involved in the Due Process Hearing may request that the hearing be open to the public or closed. Parents also have the right to have the child who is the subject of the hearing present at the hearing.

The hearing officer will try to resolve differences and make a fair decision. The parent must receive a written copy of this decision within 45 days of the date the hearing was requested.

Either party may appeal the Due Process Hearing decision by filing a notice of appeal with the Department of Education, within 30 days after the decision. A copy of the hearing officer's decision should be sent with the appeal. The Department of Education will request a written or electronic record of the hearing, and will provide each party with an opportunity to present written argument in support of or in opposition to the decision of the hearing officer. The Department of Education may conduct a hearing as described above. The final decision made by the State Department of Education must be mailed to each party within 30 days after receipt of the notice of appeal. The decision of the Department is final, unless a party to the appeal appeals to the superior court.

While awaiting the decision of a Due Process Hearing, the child will remain in the educational placement which preceded the Due Process Hearing. Parents and the school district may agree on an alternative placement. If the hearing concerns an application for admission to school, the child must, with the consent of a parent, be admitted to school.

APPENDIX A

Signs to Alert Parents That Their Child May Need Special Services

Has difficulty handling small objects.

Eyes are always red.

Doesn't do things as well as a brother or sister did at the same age.

Slow to learn new things.

Doesn't talk or has limited speaking ability and cannot make needs or wants known.

Is very tense, is easily upset or is extremely fearful.

Cannot hear radio, television or voices at normal levels.

Is very hostile, cruel to other children and enjoys hurting animals.

Is unable to play successfully

with children his own age, usually plays with younger children.

The child must be watched at all times to keep him out of danger.

Seems to day-dream often.

Is confined to bed.

Speech is not clear and is hard to understand.

Requires more than usual assistance in dressing, undressing, eating, toileting, etc.

Has poor coordination and is extremely awkward when jumping, running or skipping.

Doesn't play well with other children.

Holds books or playthings close to his eyes.

Squints to look at objects.

Cannot pronounce words correctly.

Child seeks a great deal of attention from parents.

He is easily confused when given directions.

Stumbles frequently or trips over small objects.

Complains of earaches or has "running ears."

Shuts or covers one eye, tilts or thrusts head forward when looking at objects.

Frequently loses his temper when not given his own way - screams, kicks, etc.

Does not know common colors, such as red, blue, green and yellow.

Tilts head or cups ear toward source of sound when listening.

Is very unhappy, moody, or depressed most of the time.

Is confined to a wheelchair, or must use braces, crutches or other aides.

The ability to manipulate symbols.

Rapid acquisition of skills and knowledge.

Curiosity.

Creativity.

The ability to deal with abstractions and see relationships.

Intense sensitivity to ambiguities and to conflict in values.

Unusual talent for self-expression in the arts.

APPENDIX B

Parent Checklist

Visit your child's classroom to observe your child in an instructional setting.

Start a notebook or file listing your child's developmental and educational history: include medical and school records and your related notes.

Keep records of your child's behavior at home such as responsibilities, favorite pastimes, dislikes, interaction with others.

Talk to your child about his/her feelings toward school, subjects, classmates.

Prepare for the Child Study Team planning meeting. Write down those services you feel are essential in your child's educational program: take the list with you: and present the items at the CST meeting.

Take someone with you to the Child Study Team meeting, if that will make you feel more comfortable, or if that person has special knowledege that will help in planning your child's IEP.

If you don't understand terms being used in the Child Study Team planning meeting, ask for an explaination so that you can understand the terms.

Save copies of all of your child's IEPs.

APPENDIX C

Parents and Professional Groups in Alaska

Access Alaska
941 Dowling Road
Anchorage, AK 99502

Adak Special Education Advisory Committee
c/o Adak Region Schools
Adak Naval Station - Box 34
FPO Seattle, WA 98791

Alaska Crippled Children and Adults
1020 Barnette Street
Fairbanks, AK 99701

Alaska Resources for the Moderately/Severely Impaired
3401 East 42nd Ave.
Anchorage, AK 99504

Alaska State Association for Retarded Citizens
Box 2021
Kodiak, AK 99615

Anchorage Area Epilepsy Society
P.O. Box 4-2993
Anchorage, Ak 99509

Anchorage Special Education Advisory Council
Ruby Ryles, Chairperson
8673 Augusta Circle
Anchorage, Ak 99504

Association for Children with Learning Disabilities
Linda Rinehart, Contact Person
2070 Tudor Hills Dr.
Anchorage, AK 99508

Bering Strait Human Services Council
P.O. Box 6
Nome, AK 99762

Central Peninsula Association for the Handicapped
Jane White
P.O. Box 4168
Kenai, AK 99611

Council for Exceptional Children
c/o Campbell School
7206 Rovena
Anchorage, AK 99502

Council for Exceptional Children
Tongass Chapter
Richard Stillman, Chairperson
501 Front St.
Ketchikan, AK 99901

Dillingham Parent Group
Linda Mayer, Contact Person
Box 10184
Dillingham, AK 99567

Easter Seal Society of ALaska
P.O. Box 2432
Anchorage, Ak 99510

Fairbanks Association for Children with Learning Disabilities
P.O. 60732
Fairbanks, AK 99706

Fairbanks Special Education Advisory Council
John Sellin, Chairperson
c/o Tanana Valley Community College
3750 Geist Rd.
Fairbanks, AK 99701

Governor's Council for the Handicapped and Gifted
600 University Ave., Suite C
Fairbanks, AK 99701

Juneau Parents
Bob Locke, Contact Person
4133 Aspen Avenue
Juneau, AK 99801

Ketchikan Association for Parents of
People with Special Needs (KAPPS), Inc.
Box 6280
Ketchikan, AK 99901

Matunuska-Susitna Borough
Common Ground
SRA Box 6686
Wasilla, AK 99687

Multiple Sclerosis Society
P.O. Box 262
Anchorage, Ak 99501

Muscular Dystrophy Association
3776 Arctic Blvd.
Anchorage, AK 99503

National Federation of the Blind
120 E. 3rd. Street
Anchorage, Ak 99501

Parents of Autistic Children
2124 Esquire Dr.
Anchorage, AK 99503

PATCH, Bethel Social Services, Inc.
P.O. Box 271
Bethel, AK 99559

Pelican School District Parents
Cheryl Young, Contact Person
Box 745
Pelican, AK 99832

Resource Access Project
1345 W. 9th Ave.
Suite 202
Anchorage, AK 99501

Rigel School Parents
Cindy Baxter, Contact Person
137 B Juneau
Fort Richardson, AK 99505

Special Education Parent Team for Equal Rights (SEPTER)
218 Front Street
Juneau, AK 99801

Marilyn Myers, Contact Person
Skagway City Schools
Box 497
Skagway, AK 99840

Sitka PACS, Inc.
Box 2802
Sitka, AK 99835

Unalakleet - Bering Strait Parents
Elvina Turner, Contact Person
Box 205
Unalakleet, AK 99684

United Pilot Parents
1020 Barnette St.
Fairbanks, AK 99701

Yukon Flats School District Parents
Brenda Hodge, Contact Person
P.O. Box 82
Central, AK 99730

Legal and Protective Services

Alaska Lawyer Referral Service
P.O. Box 279
Anchorage, Ak 00510

Human Rights Commission, State of Alaska
431 W. 7th Street
Anchorage, AK 99501

Ombudsman's Office, Office of the Governor
840 K ST., Rm. 230
Anchorage, AK 99501

Protection and Advocacy for the Developmentally Disabled

P.A.D.D., Inc.
763 7th Ave.
Fairbanks, AK 99701

P.A.D.D., Inc.
325 E. 3rd Ave.
Anchorage, AK 99501

P.A.D.D., Inc.
419 6th St., Room 232
Juneau, AK 99801

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